IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26236 of 2005

Between:

A. Nageshwar Rao

..... PETITIONER

AND

The Chief Rationing Officer,

Secunderabad, Hyderabad and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the proceedings of the

2nd respondent dated 14.11.2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner is a fair price shop dealer in respect of Shop No.112, Circle-I, Malakpet of Hyderabad. The said dealership has been given under physical handicapped quota in the year 2002 by the

2nd respondent. It is stated that the petitioner has been distributing essential commodities by strictly followings the terms and conditions of the authorization and the relevant provisions of A.P. State Public Distribution System (Control) Order, 2001 (for short 'the Control Order'). While so, the 2nd respondent by the impugned order dated 14.11.2005, suspended the dealership of the petitioner, in exercising powers under clause 5(4) of the Control Order on the alleged irregularities viz., the dealer has not maintained scheduled timings, causing much inconvenience to the cardholders, the dealer has not maintained adequate stocks of essential commodities during the month of October, 2005 and not issued commodities to the cardholders properly and the dealer has dishonoured the orders of the officials in running the fair price shop for effective functioning of public distribution system.

I am of the opinion that all the three allegations are vague and not specific and bereft of any material particulars. The said charges are not at all the charges in the eye of law as they are in the nature of general allegations. Without specifying particular irregularity on which date the petitioner has not maintained the scheduled timings, to whom the petitioner has caused inconvenience and which stock of commodities not maintained and which order was dishonoured by the petitioner, the suspension of the dealership of the petitioner pending enquiry, is illegal and arbitrary and without any justification.

Having regard to the facts and circumstances of the case, though an appeal is provided against the impugned order, I am of the opinion that as initially the impugned order itself is illegal and arbitrary on the face of it and cannot be sustained, the said is set aside, keeping it open for the respondents to issue a show cause notice to the petitioner, and after conducting necessary enquiry, appropriate final orders may be passed, in accordance with law. Till then, the petitioner may be permitted to continue as dealer to his fair price shop and distribute essential commodities to the cardholders.

With the above observations, the Writ Petition is allowed. No order as to costs.

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V.ESWARAIAH,J

Dated: 08.12.2005

Dsr